

IN THE UNITED STATES DISTRICT COURT  
FOR THE MIDDLE DISTRICT OF NORTH CAROLINA

RODERICK L. MILES, )  
                        )  
                        )  
Plaintiff,            )  
                        )  
v.                     )  
                        )  
LELAND DUDEK,<sup>1</sup>    )       1:22-cv-1116  
Acting Commissioner   )  
of Social Security,   )  
MEREDITH TUCKER EDWARDS,   )  
and BOB BOLLINGER,      )  
                        )  
Defendants.            )

**ORDER**

This matter is before the court for review of the Order and Recommendation ("Recommendation") filed on April 10, 2025, by the Magistrate Judge in accordance with 28 U.S.C. § 636(b). (Doc. 25.) In the Recommendation, the Magistrate Judge recommends that Defendant Dudek's Motion to Dismiss be granted, that Defendant Bollinger's Motion to Dismiss be granted, that the claims against Defendant Edwards be dismissed sua sponte for lack of jurisdiction, and that this action be dismissed. As a result, the Magistrate Judge recommends that Plaintiff's Motion

---

<sup>1</sup> Leland Dudek became the Acting Commissioner of Social Security on February 16, 2025. Pursuant to Rule 25(d) of the Federal Rules of Civil Procedure, Leland Dudek should be substituted as the defendant in this suit. No further action need be taken to continue this suit by reason of the last sentence of section 205(g) of the Social Security Act, 42 U.S.C. § 405(g).

for Summary Judgment be denied. The Recommendation was served on the parties to this action on April 10, 2025. (Doc. 26.) Plaintiff filed timely objections, (Doc. 27), to the Recommendation. Defendant responded. (Doc. 28.)

This court is required to "make a de novo determination of those portions of the [Magistrate Judge's] report or specified proposed findings or recommendations to which objection is made." 28 U.S.C. § 636(b)(1). This court "may accept, reject, or modify, in whole or in part, the findings or recommendations made by the [M]agistrate [J]udge. . . .[,] or recommit the matter to the [M]agistrate [J]udge with instructions." Id.

This court has considered Plaintiff's arguments in his objections and has made a de novo determination which is in accord with the Magistrate Judge's Recommendation. This court therefore adopts the Recommendation.

**IT IS THEREFORE ORDERED** that the Magistrate Judge's Recommendation, (Doc. 25), is **ADOPTED**. **IT IS FURTHER ORDERED** that the Commissioner's Motion to Dismiss or, in the alternative, for Summary Judgment, (Doc. 9), is **GRANTED**, that Defendant Bobby L. Bollinger, Jr.'s Motion to Dismiss, (Doc. 13), is **GRANTED**, that the claims against Defendant Meredith Edwards are **DISMISSED** for lack of jurisdiction, and this action is hereby **DISMISSED**.

Furthermore, in light of the dismissal of this action,

**IT IS ORDERED** that Plaintiff's Motion for Summary Judgment,

(Doc. 12), is **DENIED**.

A Judgment dismissing this action will be entered  
contemporaneously with this Order.

This the 17th day of June, 2025.

William L. Osten, Jr.  
United States District Judge